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Attorneys for the Plaintiff

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

Michele Bennett, Individually and on ) CASE NO.: 10-CV-2366 JLS BLM  
Behalf of All Others Similarly Situated, )  
Plaintiffs, ) JOINT MOTION FOR DISMISSAL OF  
v. ) ACTION WITH PREJUDICE AS TO  
Discover Card, a/k/a DFS Services, LLC, ) PLAINTIFF MICHELE BENNETT  
Defendant. ) AND WITHOUT PREJUDICE AS TO  
THE CLASS CLAIMS )  
 ) HON. JANIS L. SAMMARTINO  
 )  
 )  
 )  
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Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), plaintiff Michelle Bennett (“Bennett”) and defendant Discover Card, a/k/a DFS Services, LLC, (“Discover”), by and through their respective undersigned counsel, hereby stipulate to the dismissal of this action with prejudice as to the individual claims of Bennett, and without prejudice as to the claims of the absent members Bennett purports to

1 represent. Each of the parties to this Stipulation of Dismissal shall bear its own  
2 costs, attorneys' fees, and all other expenses incurred in connection with this action.  
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4 IT IS SO STIPULATED.  
5

6 DATED: May 20, 2011  
7

HYDE & SWIGART  
8

9 By: /s/ Joshua B. Swigart  
10 Joshua B. Swigart  
11

12 Attorneys for Plaintiff  
13

14 DATED: May 20, 2011  
15

16 STROOCK & STROOCK & LAVAN LLP  
17 JULIA B. STRICKLAND  
18 LISA M. SIMONETTI  
19 SETH M. GOLDSTEIN  
20

21 By: /s/ Seth M. Goldstein  
22 Seth M. Goldstein  
23

24 Attorneys for Defendant  
25

26 **Signature Certification**  
27

28 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and  
1 Procedures Manual, I hereby certify that the content of this document is acceptable to  
2 Seth M. Goldstein, counsel for Defendant and that I have obtained Mr. Goldstein's  
3 authorization to affix his electronic signature to this document.  
4

5 DATED: May 20, 2011  
6

HYDE & SWIGART  
7

8 By: /s/ Joshua B. Swigart  
9 Joshua B. Swigart  
10

11 Attorneys for Plaintiff  
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